

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CYNTHIA TOOMEY, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. H-05-4030
§
WIESNER DODGE, INC. – TOMBALL, §
§
Defendant. §

MEMORANDUM AND ORDER

Pending before the Court is Plaintiff's motion to amend her Complaint. On February 17, 2006, Plaintiff's counsel represented to the Court that, in light of Defendant's opposition to the filing of the proposed First Amended Complaint, Plaintiff wished to withdraw the motion. The motion, Docket No. 7, is therefore **DENIED AS MOOT**. In its response to the motion, Defendant requested that the Court order Plaintiff to amend her Complaint to eliminate specific financial information regarding its employees' compensation. That request is hereby **DENIED WITHOUT PREJUDICE**. The Court will entertain arguments regarding amendment of the Complaint at the scheduling conference, which will be held on March 3, 2006. The parties are invited to submit briefing on the issue in advance of that conference.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 17th day of February, 2006.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**